

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:20-CR-21-TAV-DCP |
| |) | |
| ANMING HU, |) | |
| |) | |
| Defendant. |) | |

ORDER

All pretrial motions in this case have been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Judge as may be appropriate. This case came before the Court on April 16, 2020, for a telephonic motion hearing on the Government's Motion for a Pretrial Conference Pursuant to 18 U.S.C. App. III, (CIPA) Section 2 and the Designation of a Classified Information Security Officer [Doc. 16] and the Defendant's Motion to Continue [Doc. 19] the motion deadline in this case. Assistant United States Attorneys Casey Thomas Arrowood and Frank M. Dale, Jr., participated by telephone on behalf of the Government. Attorney A. Philip Lomonaco represented Defendant Anming Hu, and both Defendant and counsel also appeared by telephone.

During the hearing, the Court and parties discussed the need for a pretrial conference pursuant to § 2 of the Classified Information Procedures Act ("CIPA") and what would be presented at the requested pretrial conference. Based on that discussion and the information in the Government's motion, the Court finds that a pretrial conference pursuant to § 2 of CIPA is

warranted in this case. The Government's motion [**Doc. 16**] is **GRANTED in part**, in that the Court set the pretrial conference for **April 24, 2020, at 1:30 p.m.**, by teleconference.

The Court and the parties also discussed the need for the Court to designate a Classified Information Security Officer ("CISO") and alternates. The Court found that before it can designate a CISO and alternate CISO's, the Government must provide a certification that the proposed CISO has appropriate security clearance for the level and category of classified information at issue in this case. *See* Security Procedures Established Pursuant to PL 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information, ¶ 2, eff. Jan. 15, 2011, *superseding* 18 U.S.C. App. 3, § 9 note (2011). The Government's request [**Doc. 16**] that the Court designate a CISO is **DEFERRED**, until the Government presents the proposed CISO's certification. The Government may present the proposed CISO's certification at or before the pretrial conference.

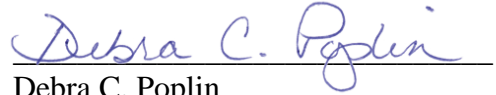
The Court also discussed Defendant's motion to extend the motion deadline in this case to May 4, 2020. In the motion, the Defendant notes that an extension of the motion deadline will necessarily require a continuance of the May 5, 2020 trial date in this case. At the April 16 hearing, Mr. Lomonaco stated that, given the time needed to resolve issues relating to potential classified information, he would likely need time beyond May 4 to file pretrial motions. Mr. Lomonaco said he would like a motion deadline thirty days after the Court ruled on a motion by the Government to protect classified information from discovery. The parties agreed that the Defendant's Motion to Continue was more properly addressed at the pretrial conference on April 24. Accordingly, the Court will hold the Defendant's Motion to Continue [**Doc. 19**] in abeyance, until the pretrial conference on April 24, 2020.

The Court **ORDERS** as follows:

- (1) The Government's Motion for a Pretrial Conference Pursuant to 18 U.S.C. App. III, (CIPA) Section 2 and the Designation of a Classified Information Security Officer [Doc. 16] is **GRANTED in part**, in that the Court set the pretrial conference for **April 24, 2020, at 1:30 p.m.**, by teleconference;
- (2) The Government's request [Doc. 16] that the Court designate a CISO is **DEFERRED**, until the Government presents the proposed CISO's certification. The Government may present the proposed CISO's certification at or before the pretrial conference; and
- (3) The Court will hold the Defendant's Motion to Continue [Doc. 19] in abeyance, until the pretrial conference on April 24, 2020.

IT IS SO ORDERED.

ENTER:


Debra C. Poplin
United States Magistrate Judge